

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Kimle, et al.
SERIAL NO. : 09/335,648
FILED : June 18, 1999
TITLE : METHOD OF ELECTRONICALLY INITIATING AND
MANAGING AGRICULTURAL PRODUCTION CONTRACTS
Grp./A.U. : 2164
Examiner : Kyle, C.
Conf. No. : 6709
Docket No. : P03566US0

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#9
L. G. H.
3/5/02

**FIRST SUPPLEMENTAL DECLARATION OF PRIOR INVENTION IN THE
UNITED STATES OR IN A NAFTA OR WTO MEMBER COUNTRY TO
OVERCOME CITED PATENT OR PUBLICATION
(37 C.F.R. 1.131)**

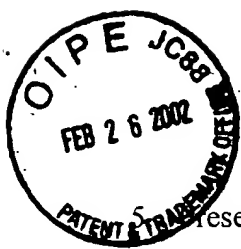
Assistant Commissioner for Patents
Washington, D.C. 20231

A. PURPOSE OF DECLARATION

1. This declaration is to supplement the declaration filed and of record in the application with Applicants' response filed (by certificate of mail) on August 27, 2001.

B. FACTS

2. There are five inventors in the pending application: Kevin L. Kimle, David R. Krog, John E. Stucki, Alan G. Schmitz and Reynold R. Harder.
3. When the initial declaration was filed, the whereabouts of John E. Stucki and Alan G. Schmitz were unknown and they were no longer employees of the owner of this application, E-Markets, Inc. Reasonable, but unsuccessful, efforts were made to locate them and inquire into their willingness to assist in the § 1.131 Declaration.
4. Presently, upon further inquiry, John E. Stucki was located. He declines to participate in the patent prosecution (see attached Exhibit E).



Presently, upon further inquiry, Alan G. Schmitz was located. Concurrently filed with this paper is a declaration entitled Second Supplemental Declaration of Prior Invention by Alan G. Schmitz.

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C. TIME OF PRESENTATION OF THE DECLARATION

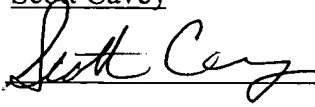
6. This declaration is submitted after final rejection.

D. DECLARATION

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

E. SIGNATURE

Assignee

Printed Name of Person Signing	<u>Scott Cavey</u>
Signature of Person Signing	<u></u>
Title of Person Signing	<u>President and COO</u>
Date	<u>02-07-02</u>
Name of Assignee	<u>E-Markets, Inc.</u>
Post Office Address	<u>1606 Golden Aspen Dr.</u>
	<u>Suite 108</u>
	<u>Ames, IA 50014</u>

Attachments to Declaration: Exhibit E

EXHIBIT E

Subject: Application for Software Patent for Web Application

Date: Wed, 12 Dec 2001 10:59:56 -0800 (PST)

From: John Stucki <johnpsm@yahoo.com>

To: dave.krog@e-markets.com

CC: scott.cavey@e-markets.com, johnpsm@yahoo.com

Dave,

I appreciate you contacting me to participate in the application for a patent on the web application I coded and helped develop while at e-markets in 1997 and 1998.

Because I feel that there are thousands of other programmers that have written CGI applications for the web that have code that is very similar to the code I wrote, and because I feel that patenting such applications stifles innovation, improvements, and competition, I respectfully wish to decline from participating in the patent application for any web application I wrote while at e-markets.

Sincerely,
-John Stucki
johnpsm@yahoo.com

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